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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,012	04/16/2004	Thomas Reiter	12400-008	9238

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

BROWN, DREW J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/826,012	Applicant(s) REITER ET AL.	
	Examiner Drew J. Brown	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the disk-shaped gas generator, whose plane is defined by the gas-discharge openings, making an angle of no more than 50 degrees of normal to the surface of the opening tab as recited in claims 4 and 10, and the two gas generators, which are arranged within the modular casing either side-by-side or one behind the other relative to the instrument panel as recited in claims 6-9, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

It is unclear to the Examiner exactly how the deflector is shaped with the given cross-sectional drawings and the brief specification. Either a more complete description or amended drawings should be submitted to better clarify the invention. The Examiner suggests submitting a perspective view of the airbag module containing the deflector.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the narrow side" in line 9. There is insufficient antecedent basis for this limitation in the claim.
6. With respect to claim 2, the limitation that "the deflector surrounds the disk-shaped gas generator in the peripheral area opposite the opening flap" renders the claim indefinite. It is unclear to the Examiner where the peripheral area opposite the opening flap is exactly located.

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7. With respect to claims 9 and 10, the plurality of generators renders the claim indefinite because only one gas generator is being claimed in claim 1. It is unclear to the Examiner exactly how many gas generators are being claimed.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi et al. (U.S. Pat. No. 5,547,215).

With respect to claim 1, Figures 13 and 14 of Taguchi et al. disclose a module casing (4g), a disk-shaped gas generator (3g) mounted within the module casing having discharge openings located on the perimeter of the gas generator, a gas deflector (33) that at least partially surrounds the gas-discharge openings, and an airbag that is folded into the module casing, wherein the disk-shaped gas generator is arranged on-edge at an angle (Figure 13) to the plane of the instrument panel, with the folded airbag arranged at least partially between the narrow side (right edge of the gas generator 3g in Figure 14) and the opening flap.

With respect to claim 2, Taguchi et al. discloses that the deflector surrounds the disk-shaped gas generator in the peripheral area opposite the opening flap in order to guide the gas flow escaping from the gas-discharge openings arranged in this area into the airbag between the gas generator and the opening flap (Figure 14).

With respect to claim 5, Taguchi et al. discloses that a subsection (outer edge of deflector where reference arrows point corresponding to reference numeral 33) of the deflector covers the gas-discharge openings directed toward the opening flap.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. (U.S. Pat. No. 5,547,215) in view of Rose et al. (U.S. Pat. No. 6,702,318 B2).

With respect to claim 1, Figure 10 of Taguchi et al. discloses an airbag module for a motor vehicle for mounting behind an instrument panel (120d) and deployment through an opening flap (flap above opening in panel 120d) in the instrument panel comprising a module casing (4d), a disk-shaped gas generator (3d) mounted within the module casing having discharge openings located on the perimeter of the gas generator, and an airbag (2d) that is folded into the module casing, where the disk-shaped gas generator is arranged on-edge at an angle to the plane of the instrument panel, with the folded airbag arranged at least partially between the narrow side (ride side of generator 3d in Figure 10) of the gas generator and the opening flap.

Taguchi et al. does not disclose a deflector that at least partially surrounds the gas-discharge openings. Rose et al., however, does disclose a deflector (22) that at least partially surrounds the gas-discharge openings (24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Taguchi et al. in view of the teachings of Rose et al. to have a deflector that surrounds the gas-discharge openings of the gas generator in order to inflate the airbag evenly so that a portion of the airbag does not injure the occupant due to excessive force.

With respect to claim 2, Rose et al. discloses that the deflector surrounds the disk-shaped gas generator in the peripheral area opposite the opening flap in order to guide the gas flow escaping from the gas-discharge openings arranged in this area into the airbag between the gas generator and the opening flap (Figure 2).

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With respect to claims 3 and 4, Taguchi et al. discloses that the disk-shaped gas generator, whose plane is defined by the gas-discharge openings, is aligned substantially normal to the surface of the opening flap, and makes an angle of no more than 50 degrees of normal to the surface of the opening flap (Figure 10).

With respect to claim 5, Rose et al. discloses that a subsection (70) of the deflector covers the gas-discharge openings directed toward the opening flap.

With respect to claims 9 and 10, Taguchi et al. discloses that the disk-shaped gas generator defines a central axis which is substantially parallel with the surface of the opening flap, and deviate from normal to the surface of the opening flap by no more than 50 degrees (Figure 10).

12. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. in view of Rose et al., and further in view of Satoh et al. (U.S. Pat. No. 5,362,096).

With respect to claim 6, the combination of Taguchi et al. and Rose et al. discloses the claimed invention as discussed above but does not disclose that two gas generators are arranged within the modular casing.

Satoh et al., however, does disclose two gas generators (16 in Figure 3) arranged within a modular casing (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Taguchi et al. in view of the teachings of Satoh et al. to have two gas generators arranged within the modular casing in order to distribute the inflation gas more evenly to ensure safe deployment of the airbag.

With respect to claims 7 and 8, Satoh et al. discloses that the gas generators are arranged side-by-side relative to the instrument panel and one behind the other relative to the instrument panel (Figure 3).

13. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. in view of Satoh et al.

With respect to claim 6, the Taguchi et al. discloses the claimed invention as discussed above but does not disclose that two gas generators are arranged within the modular casing.

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Satoh et al., however, does disclose two gas generators (16 in Figure 3) arranged within a modular casing (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Taguchi et al. in view of the teachings of Satoh et al. to have two gas generators arranged within the modular casing in order to distribute the inflation gas more evenly to ensure safe deployment of the airbag.

With respect to claims 7 and 8, Satoh et al. discloses that the gas generators are arranged side-by-side relative to the instrument panel and one behind the other relative to the instrument panel (Figure 3).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okada et al., Miodek et al., Schenck et al., and Haesaert et al. disclose similar deflectors; Suzuki et al., O'Driscoll, and Sinnhuber disclose airbag modules having a plurality of gas generators; and Coman et al. discloses a gas generator that is arranged on-edge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J. Brown
Examiner
Art Unit 3616



DAVID R. DUNN
PRIMARY EXAMINER